

Message Text

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67

ORIGIN COME-00

INFO OCT-01 AF-08 IO-13 ISO-00 AGR-05 CEA-01 CIAE-00

DODE-00 EB-07 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04

NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04

ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01 FEA-01

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COM/OTP/DND/LJMURPHY

STATE/EB/CBLACK

COM/OTP/TNAD/MKPRUIETT

STATE/AF/E/ESHIPPY

USDA/RRIENERSCHNEIDER

TREASURY/EBARBER

STR/BSTEINBOCK

LABOR/HFIEKOWSKY

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R 100209Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI

INFO USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD, MTN, KE

SUBJECT: MTN NEGOTIATIONS: CLARIFICATION OF NON-TARIFF

----- MEASURES (NTM) REPORTED BY INDUSTRY ADVISORS

1. OVER THE PAST 2 YEARS THE DEPARTEMNT OF COMMERCE JOINT-
LY WITH STR HAS OPERATED A CONSULTATION PROGRAM WITH INDUS-
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TRY FOR THE PURPOSE OF OBTAINING ADVICE WITH RESPECT TO

U.S. PARTICIPATION IN THE MULTILATERAL TRADE NEGOTIATIONS. SIMILAR CONSULTATION PROGRAMS ARE SEEKING ADVICE FROM LABOR AND AGRICULTURAL INTERESTS. THE PROGRAM CONSISTS OF OVER 500 INDUSTRY REPRESENTATIVES ORGANIZED INTO ONE HIGH LEVEL POLICY COMMITTEE AND 27 SPECIFIC INDUSTRY SECTOR ADVISORY COMMITTEES (ISAC). EACH ISAC PROVIDES DETAILED ADVICE AND INFORMATION REGARDING U.S. AND FOREIGN TARIFF AND NON-TARIFF MEASURES AFFECTING THE PRODUCTS WHICH IT COVERS.

2. TARIFF AND NTM INFORMATION SUPPLIED BY ISACS IS BEING COMPILED INTO MASTER COUNTRY DATA LISTS WHICH WHEN COMPLETED WILL BE IMPORTANT DATA SOURCE FOR SUPPORTING WORK OF MTN DELEGATION GENEVA.

3. IN CONSIDERING NTM SUBMISSIONS MADE BY ISACS WE FIND SOME REQUIRE DETAILED CLARIFICATION WHICH WE BELIEVE ONLY EMBASSY CAN SUPPLY. ACCORDINGLY WE REQUEST EMBASSY REVIEW AND ANALYSIS OF FOLLOWING ALLEGED NTM.

3A. NTM CITED: 5 PERCENT DUTY UPLIFT. PRODUCTS AFFECTED: CONSTRUCTION EQUIPMENT; ADDITIONAL QUESTIONS: DOES THIS MEASURE APPLY TO CONSTRUCTION EQUIPMENT ONLY, TO ALL CAPITAL GOODS, OR TO ALL IMPORTS? IS IT APPLIED IN A NON-DISCRIMINATORY MANNER?

4. FOR ALL THE MEASURES LISTED IN PARA. 3 WE WOULD APPRECIATE RECEIVING FOLLOWING INFORMATION: (A) DOES MEASURE EXIST? (B) IF SO, BRIEF, CONCISE DESCRIPTION OF NTM; (C) SPECIFIC PRODUCTS AFFECTED (BY 4 DIGIT BTN NUMBER OR MORE DETAILED BREAKDOWN IF KNOWN); (D) ESTIMATED NTM IMPACT ON PARTICULAR PRODUCT AND U.S. TRADE IN GENERAL; (E) STATUTORY BASIS OF MEASURE AND ASSESSMENT OF ITS NEGOTIABILITY.

5. THIS INFORMATION IS A CRUCIAL ELEMENT IN THE INDUSTRY SECTOR ADVISORY COMMITTEES' INPUT ON TARIFFS AND NTMS IN SUPPORT OF USG NEGOTIATING EFFORTS IN MTN. THE ISACS HAVE BEEN ESTABLISHED PURSUANT TO REQUIREMENTS OF SECTION 135 OF THE TRADE ACT OF 1974 AS INSTRUMENT TO PROVIDE U.S. INDUSTRY THE MEANS TO HAVE THEIR INTERESTS KNOWN AND LIMITED OFFICIAL USE

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REPRESENTED IN GENEVA. THE DATA IN THEIR REPORTS, SUPPLEMENTED BY COMMERCE INPUT, ARE BEING AGGREGATED INTO MASTER LISTS, BY COUNTRY, TO PROVIDE GENEVA NEGOTIATORS WITH IMMEDIATE REFERENCE TO IMPORTANT U.S. TRADE INTERESTS AND THE BARRIERS IMPEDING THEM. PRESENT NEED FOR THIS IS IN CURRENT TROPICAL PRODUCTS EXERCISE.

6. NEXT ROUND OF ISAC MEETINGS SCHEDULED FOR NEAR FUTURE

AND DUE TO NEED TO UNDERTAKE EXTENSIVE DOCUMENTATION OF
CLARIFIED NTM ITEMS WOULD APPRECIATE POST RESPONSE PRIOR
TO JULY 30 BUT IF POST UNABLE TO PROVIDE BY THAT DATE,
INFORMATION WOULD BE APPRECIATED ASAP THEREAFTER. KISSINGER

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